

From: David Walker
To: Microsoft ATR
Date: 1/23/02 2:44pm
Subject: Microsoft Settlement

Dear DOJ

I have been working in technology for the past 15 years, and feel compelled to write you to regarding the U.S. v. Microsoft proposed final judgment.

In the early 90's there were many companies selling products to enhance and extend the computing experience. At the time I was working for InfoWorld where I was responsible for finding and reviewing these products.

It was at InfoWorld that I saw these products fall to Microsoft predatory practices. Microsoft began selling their Office suite, at a loss to gain market share, and one by one competitors fell because could not match the pricing.

Undercut by so much, they had to stop making their products. Lotus, Borland and others simply got out of the business of productivity software.

Microsoft made late changes in Windows 3.1 to make it incompatible with DrDos (an OS competitor) just before release. This forced users of DrDos to purchase DOS.

We at InfoWorld discovered this incompatibility, and broke the story at the time.

And the list goes on....

It is clear to me, and many Americans as well as the court, that these actions by Microsoft were illegal. The current judgment against Microsoft is not sufficient to stop these practices.

I believe that any judgment that does not include splitting Microsoft into two companies, OS and Applications, is not sufficient.

At the very least, however, the current judgment needs to be strengthened to provide more protection against Microsoft's ability to create barriers to ISV's creating non-Microsoft operating systems.

In order to compete in the OS space ISV's will require the ability to emulate the windows API. The settlement needs to take this into account and provide some protection against Microsoft for these companies trying to compete in the OS market.

Specifically the judgment needs to be amended to ensure:

1. Microsoft provides timely notice of all API changes (at least 8 months)
2. Microsoft must document all API's used by their products
3. Microsoft must disclose all software patents that apply to the windows API
4. These requirements must be applied to all Microsoft operating system products (XP, Pocket PC, and any other current or future OS product)

Without strengthening the judgment in this way ISV's will fall prey to continued predatory and monopolistic practices of Microsoft.

Thank you for your time.

David Walker
PO box 51
Pescadero, CA
94060